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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: R.F. Tonkel

SERIAL NO: 10/771,610

FILED: February 4, 2004

FOR: Footwear with Pivotal and/or
Rotatable Tongue

GAU: 3728

EXAMINER: J.T. Kavanaugh

St. Louis, Missouri

Date: September 21, 2005

DN: 7400

I hereby certify that this correspondence is being deposited with the
U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

Attorney

Date of Signature

Director, Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is in response to the restriction requirement dated August 11, 2005.

Applicant herein elects to prosecute the embodiment of the invention as generally shown in FIGS. 1-4, but also as generally disclosed in FIGS. 5-10d.

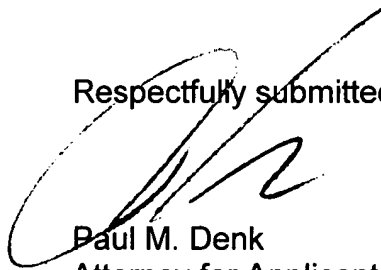
The claims showing this particular species, where the pivotal tongue is located in conjunction with the shoe lace gap, upon the upper portion of the shoe, are the claims as set forth in claims 1, 3, 4, 6, 16, 24, and 25. These all relate to the species of the footwear that is either an athletic or walking shoe, where the pin wheel or rotatable tongue is operatively associated with and connecting to a spanning member at the region of the lacing gap, as previously explained.

On the other hand, this election is done with traverse, since the concept of the invention is to provide a pivotal member, or pin wheel, within the structure of a shoe, such that when the pin wheel is turned, it may change the appearance or design of footwear, from an aesthetics standpoint. This is the concept of the overall invention.

The examiner's further review of this matter would be appreciated.

Enclosed is a check in the amount of \$60.00, covering the filing fee for this response to restriction during the first extended month.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'P. Denk', written over the typed name.

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